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3 **So Ordered.**



Patricia C. Williams
Patricia C. Williams
Bankruptcy Judge

4 **Dated: May 14th, 2013**
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8 UNITED STATES BANKRUPTCY COURT
9 EASTERN DISTRICT OF WASHINGTON

10 In re:

11 LLS AMERICA, LLC,

12 Debtor.

No. 09-06194-PCW11

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14 BRUCE P. KRIEGMAN, solely in
15 his capacity as court-appointed
Chapter 11 Trustee for LLS America,
LLC,

16 Plaintiff,

Adv. No. 12-80031-PCW

17 vs.

18 ETTER, MCMAHON,
19 LAMBERSON, CLARY &
ORSEKOVICH, PC,

20 Defendant.
21 _____

REPORT AND RECOMMENDATION
RE: TRIAL BY DISTRICT COURT

22 In this adversary proceeding, the defendant, by answer filed April 26, 2013 (ECF
23 No. 31), demanded a jury trial in the District Court under Stern v. Marshall. Pursuant to
24 LBR 7008-1, such a request is to be made in the complaint or the answer. That rule was
25 effective May 7, 2012, and the complaint was filed on April 10, 2012, so it is
26 questionable whether LBR 7008-1 is applicable. However, the defendant applied the rule
27 in filing its answer and sought trial by the District Court. The local rule states that after
28 an opportunity to respond by the opposing party, the bankruptcy court will transmit the

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1 relevant pleadings to the District Court. In this case, no response to the demand has been
2 made by the opposing party.

3 This adversary involves a non-lender defendant and concerns an alleged post-
4 petition transfer of funds to a law firm for legal representation of Ms. Doris Nelson,
5 personally, and Team Spirit America, one of the entities which compose the debtor.

6 The recommendation is that the District Court preliminarily deny the request for
7 trial in the District Court. That will allow all pre-trial matters to be heard and determined
8 by the bankruptcy court. As the case proceeds toward trial, either party or the bankruptcy
9 court may request that the District Court determine the right to a jury and the right to a
10 trial before the District Court.

11 ///END OF REPORT AND RECOMMENDATION///
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